

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Phillips, J.	)	CONF. NO.:	4467
		)		
APPL. NO.	10/797374	)	GROUP ART UNIT:	1625
		)		
FILED:	March 10, 2004	)	EXAMINER:	Chang, Celia C.
		)		
TITLE:	NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND METHOD OF USING SAME			

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION**  
**DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97-1.9<sup>8</sup>**

Dear Sir or Madam:

The following information is submitted pursuant to a duty to disclose under 37 C.F.R. § 1.56 and §§ 1.97-1.98, as supplemented by M.P.E.P. § 609. A list of all enclosed documents is provided in a Form PTO-1449, transmitted herewith. Applicant respectfully requests that the Examiner consider the listed documents and evidence the consideration of relevant portions thereof by making appropriate notations on the attached form.

By way of this Supplemental IDS, Applicant is providing a copy of the "Supplemental Information Disclosure Statement" as filed with U.S. Patent and Trademark Office on December 21, 2001 for U.S. Application No. 09/481,207 (U.S. Patent 6,489,346), U.S. Patent and Published Patent Applications, and other Non-Patent Related Literature.

This Supplemental Information Disclosure Statement is filed pursuant to 37 C.F.R. § 1.97(c)(2), prior to the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution. Applicant submits that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information

Docket No. 04242350 (U.S. Appl. No. 10/797,374)  
May 21, 2008

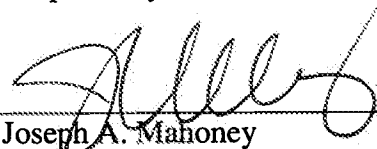
contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Please charge Deposit Account No. 13-0019 the \$180 associated with submitting this information disclosure statement. Should there be any additional fees required or any credit refundable, the Commissioner is authorized to charge or refund Deposit Account No. 13-0019.

Presentation of documents listed on enclosed Form PTO-1449 is not an admission that any listed document is prior art under the Patent Act and the right is reserved to antedate any material described in the listed documents by a showing under 37 C.F.R. § 1.131 or otherwise.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is or is considered to be material to patentability, or that no other material information exists. Applicant respectfully requests that the statement be considered by the Office in the course of prosecution of the application.

Respectfully submitted,



Joseph A. Mahoney  
Registration No. 38,956

May 21, 2008

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